

House Bill 824

By: Representative Jones of the 44th

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Juvenile Burglary Prevention Act of 2010"; to state legislative findings; to
2 amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
3 courts, so as to reduce the number of repeat burglaries which may trigger transfer of a
4 juvenile for prosecution in superior court; to provide that when a juvenile is taken into
5 custody for burglary, the immediate disposition shall be by the juvenile court; to provide that
6 a second burglary by a juvenile shall be a designated felony act; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 (a) This Act shall be known and may be cited as the "Juvenile Burglary Prevention Act of
11 2010."

12 (b) The General Assembly finds that in certain areas of this state there is an epidemic of
13 burglaries committed by juveniles and that many such offenses are repeat offenses. The
14 General Assembly finds that currently many juveniles taken into custody for burglary are
15 released without bond to the custody of their parents or guardian even after multiple offenses.
16 The General Assembly finds that serious measures must be taken within the juvenile justice
17 system to address the epidemic of juvenile burglary while keeping in mind the goal of care,
18 guidance, and control of the child that will be conducive to the child's welfare and the best
19 interests of the state.

20 **SECTION 2.**

21 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile courts,
22 is amended in Code Section 15-11-30.3, relating to transfer of children committing multiple
23 burglaries to the superior court for prosecution, by revising subsection (a) as follows:

24 "(a) After a petition has been filed alleging that a child 15 years of age or older has
25 committed a designated felony act, the court shall follow the procedure specified in this

26 Code section if the designated felony act alleged to have been committed would have
27 constituted the crime of burglary if done by an adult and the child has been found at
28 separate court appearances to have committed acts which would have constituted the crime
29 of burglary if done by an adult on ~~three~~ two or more previous occasions."

30 **SECTION 3.**

31 Said chapter is further amended in Code Section 15-11-47, relating to procedure on taking
32 child into custody, by inserting a new subsection (a.1) to read as follows:

33 "(a.1) *Burglary*. Notwithstanding the provisions of subsection (a) of this Code section, a
34 child taken into custody for acts which would have constituted the crime of burglary if
35 done by an adult shall be promptly brought before the juvenile court; and only the court
36 shall have the authority to determine the immediate disposition of the child under the
37 alternatives specified in subsection (a) of this Code section. The court shall give due
38 consideration to whether detention, bail, or other conditions should be imposed to protect
39 the community."

40 **SECTION 4.**

41 Said chapter is further amended in Code Section 15-11-63, relating to designated felony acts,
42 by inserting a new division (a)(2)(B)(v.1) to describe a type of designated felony act and to
43 read as follows:

44 "(v.1) *Burglary*, if done by a child 13 or more years of age if the child has previously
45 been adjudicated delinquent for acts which, if done by an adult, would have been
46 burglary;"

47 **SECTION 5.**

48 All laws and parts of laws in conflict with this Act are repealed.